

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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**FILE:** B-216678 **DATE:** December 6, 1984  
**MATTER OF:** American Aerospace Industries, Inc.

**DIGEST:**

Protest is dismissed where the material issues are before a court of competent jurisdiction, judicial relief pending a decision by this Office has not been requested, and the court has not expressed interest in GAO decision.

American Aerospace Industries, Inc. (AAI), protests the Department of Commerce's award of a contract for public relations and promotional work to publicize the United States Pavilion at the 1985 Paris Air Show pursuant to invitation for bids number 2185. AAI alleges that the procurement should have been publicly advertised in accord with section 14.103-1 of the Federal Acquisition Regulation (to be codified at 48 C.F.R. § 14.103-1) and that the contract violates provisions of the Anti-Deficiency Act (31 U.S.C. § 1341 (1982)).

We will not consider the protest.

Subsequent to protesting to our Office, AAI filed suit against the government in the United States District Court for the District of Columbia (Civil Action No. 84-3260) seeking, among other things, permanent injunctive and declaratory relief. The grounds presented as the bases for the suit include the bases presented to our Office in AAI's bid protest. Accordingly, the court's resolution of the issues before it will control the resolution of the protest. It is our policy not to decide protests where the material issues are before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in our decision. 4 C.F.R. § 21.10 (1984). Plaintiff AAI has not requested judicial relief pending a decision by this Office, and the court has not indicated an interest in our decision.

We, therefore, dismiss the protest. Numax Electronics Incorporated, B-214777, Apr. 13, 1984, 84-1 C.P.D. ¶ 417.

*Harry R. Van Cleve*

Harry R. Van Cleve  
General Counsel

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